

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

DOUGLAS C. PEGG,	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 1:12-cv-00394-GCM
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of Social Security,	)	
Defendant.	)	

**ORDER WITH REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. § 405(g)**

The defendant, Carolyn W. Colvin, Acting Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing the Commissioner’s decision with a remand of the cause to the Commissioner for further administrative proceedings.

Upon remand by this Court, the Appeals Council will remand this matter to the administrative law judge (“ALJ”). Upon remand, the ALJ shall be instructed to update the evidence, hold a new hearing, and issue a new decision. The ALJ will be instructed to evaluate the medical and other opinions of record, including, but not limited to, the opinion of Catherine Cope, LPC, explaining the reasons for the weight given to the opinions in accordance with 20 C.F.R. § 416.927 and Social Security Rulings 96-2p, 96-5p, 96-6p, and 06-03p, as necessary. The ALJ will be instructed to reassess Plaintiff’s residual functional capacity, and further consider Plaintiff’s credibility and subjective complaints in accordance with 20 C.F.R. § 416.929 and Social Security Ruling 96-7p. If warranted by the expanded record, the ALJ will obtain supplemental vocational evidence to determine if Plaintiff could make an adjustment to other work that exists in significant numbers in the national economy.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request to remand this action for further proceedings and with the Plaintiff's consent, this Court hereby:

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g), with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorney's fees, including any motion for such fees under the Equal Access to Justice Act ("EAJA").

SO ORDERED.

Signed: July 16, 2013

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

